

**Introduced by Senator Morrow**

February 23, 1999

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An act to amend Section 3701 of the Penal Code, relating to death row inmates.

**LEGISLATIVE COUNSEL'S DIGEST**

SB 590, as introduced, Morrow. Death row inmates: sanity.

Existing law requires a warden of a prison who has good reason to believe that a defendant, under judgment of death and after delivery to the warden for execution, has become insane, to call that fact to the attention of the district attorney of the county where the prison is situated. Existing law also requires the district attorney to file a petition in the superior court of that county asking that the defendant's sanity be inquired into by a specified procedure that includes a hearing.

This bill would provide instead, that the warden notify the district attorney of the county where the information or indictment resulting in the judgment of death was filed. This bill would also provide that if there are judgments of death from more than one county, the defendant would be entitled to only one hearing inquiring into the defendant's sanity, to be held in the county where the last judgment in time was entered.

Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.



*The people of the State of California do enact as follows:*

1 SECTION 1. Section 3701 of the Penal Code is  
2 amended to read:

3 3701. (a) If, after his *or her* delivery to the warden for  
4 execution, there is good reason to believe that a  
5 defendant, under judgment of death, has become insane,  
6 the warden must call such fact to the attention of the  
7 district attorney of the county in which ~~the prison is~~  
8 ~~situated~~ *the information or indictment resulting in the*  
9 *judgment of death was filed*, whose duty it is to  
10 immediately file in the superior court of ~~such~~ *that* county  
11 a petition, stating the conviction and judgment, and the  
12 fact that the defendant is believed to be insane, and  
13 asking that the question of his *or her* sanity be inquired  
14 into. Thereupon the court must at once cause to be  
15 summoned and impaneled, from the regular jury list of  
16 ~~the~~ *that* county, a jury of 12 persons to hear such inquiry.

17 (b) *If there are judgments of death from more than*  
18 *one county, the defendant shall be entitled to only one*  
19 *hearing on this inquiry, which shall be held in the county*  
20 *where the last judgment in time was entered.*

